

**REMARKS**

The following remarks are responsive to the points raised in the May 21, 2003 non-final Office Action. Claims 14-22 are pending. No new matter has been introduced. Reconsideration is respectfully requested.

**Response to rejection under 35 U.S.C. § 102(b)**

Claims 14-17 and 22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication JP 4-49872 (JP'872). Applicants traverse this rejection.

Independent Claim 14 recites a vibration type driving apparatus having a vibration member and a contacting member, moveable relative to one another, and an interposed friction member

“formed of a resin composition containing heat-resisting resin and mesophased pitch carbon fiber.”

Applicants submit that the above-identified claimed vibration type driving apparatus, and in particular the friction member being formed of a resin composition containing heat-resisting resin and mesophased pitch carbon fiber, are not taught or suggested by JP'872. The Examiner, however, urges in the May 21, 2003 Office Action that:

“JP'872 discloses a vibration type driving apparatus comprising the following structure: a vibration member 24 (in Figs. 2 and 3); a contacting member 22, and a friction member 21 having a resin composition (carbon fiber reinforced resin complex) of a heat-resisting resin and a mesophased pitch carbon fiber (see CONSTITUTION), which meets all of the limitations of the claimed invention.”

As such, the Examiner urges that the “moving body 24” and element “21”, disclosed by the JP'872 reference, read on Applicants' claimed “vibration member” and “friction member”,

respectively.

Contrary to the Examiner's comments, JP'872 does not teach or suggest that the "friction member 21" is formed of a resin composition, i.e., heat-resisting resin and a mesophased pitch carbon fiber, as suggested. Rather, the JP'872 reference discloses, in the "CONSTITUTION" section of the English language Abstract, that the "moving body 24", not the element 21, "is formed with a carbon fiber reinforced resin complex...to enhance the rigidity of a frictional contact surface and to improve the mechanical strength of the moving bond 24." In addition, the JP'872 reference does not teach or suggest a heat-resistive resin and/or mesophased pitch carbon fiber.

As can be readily observed from the above detailed discussion of the cited and applied JP'872 reference, the JP'872 reference fails to teach or suggest a vibration type driving apparatus having a vibration member, a contacting member, and an interposed friction member formed of a resin composition containing heat-resisting resin and mesophased pitch carbon fiber. On this basis, the vibration type driving apparatus recited in Applicants' Claim 14 is distinguished over the JP'872 reference. Dependent Claims 15-17 and 22, as well as dependent Claims 18-21, are likewise distinguished over JP'872 for at least the same reasons as Claim 14. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

**Response to Rejection under 35 U.S.C. 103(a)**

Claims 18-21 have been rejected under 35 U.S.C. § 103(a) as being obvious over JP'872 in view of Tamai et al. ((Tamai) US Patent 5,380,805). Applicants traverse this rejection.

For at least the reasons discussed above in regard to Claim 14, Claims 28-21, which depend from Claim 14, are distinguished from JP'872. Notwithstanding the dependence of Claim 18-21 on Claim 14, the Examiner admits that JP'872 fails to teach each feature recited in Claims 18-21 and therefor attempts to rely on the secondary reference of Tamai to remedy the admitted deficiencies of the JP'872 reference. Tamai, however, advances no teaching, suggestion, or motivation for providing a vibration type driving apparatus having a vibration member, contacting member, and an interposed friction member formed of a resin composition containing heat-resisting resin and mesophased pitch carbon fiber, as recited in Claim 14. Accordingly, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

**Response to the Objection of the Drawings**

The drawings have been objected to on the basis that "Figures 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated." The Examiner has required that Figures 6 and 7 be corrected in response to the May 21, 2003 non-final Office Action.

Applicants have amended each of Figures 6 and 7, i.e., drawing sheet 5/9, to include the legend "PRIOR ART". As referred to above, the attached sheet 5/9 replaces original Figures 6 and 7. Accordingly, the objection to the drawings is now moot and should be withdrawn.

**CONCLUSION**

Applicant respectfully submits that Claims 14-22 are in condition for allowance and a notice to that effect is earnestly solicited.

**AUTHORIZATIONS**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4475US1.

Respectfully submitted,  
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